

**SUPREME COURT MINUTES
MONDAY, JANUARY 31, 2005
SAN FRANCISCO, CALIFORNIA**

S018909

PEOPLE v. YOUNG (ROBERT)

Opinion filed: Judgment affirmed in full

Opinion by Brown, J.

--- joined by George, C.J., Kennard, Baxter,
Werdegar, Chin, & Moreno, JJ.

Concurring Opinion by Brown, J.

S119869A100258 First Appellate District,
A097784 Division OneAMERICAN FINANCIAL SERVICES ASSN. v.
CITY OF OAKLAND

Opinion filed: Judgment reversed

and case remanded to Court of Appeal for
further proceedings consistent with opinion.

Majority Opinion by Brown, J.

--- joined by Baxter, Werdegar, Chin, JJ.

Dissenting Opinion by George, C.J.

--- joined by Kennard, J. & Moreno J.

S117313

C039117 Third Appellate District

PEOPLE v. MOSS

Counsel appointment order filed

Central California Appellate Program appointed
for appellant on his appeal pending in this court.**S129060**D041819 Fourth Appellate District,
Division One

PEOPLE v. BUTLER

Counsel appointment order filed

David P. Lampkin is appointed to represent
appellant on his appeal pending in this court.**S109735**B149088 Second Appellate District,
Division Seven

JULIAN v. HARTFORD UNDERWRITERS

Orders filed (2)

- (1) The request of counsel for appellants in the above-referenced cause to allow two counsel to argue on behalf of appellants at oral argument is hereby granted.

- (2) The request of appellants to allocate to amicus curiae United Policy Holders 10 minutes and Department of Insurance 10 minutes of appellants's 30-minute allotted time for oral argument is granted.

S114888

F038004 Fifth Appellate District

PARNELL v. ADVENTIST HEALTH SYSTEM/WEST
Orders filed (4)

- (1) The request of counsel for appellant in the above-referenced cause to allow two counsel to argue on behalf of appellant at oral argument is hereby granted.
- (2) The request of appellant to allocate to amicus curiae Consumer Attorneys of California 10 minutes of appellant's 30-minute allotted time for oral argument is granted.
- (3) The request of counsel for respondents to allow two counsel to argue on behalf of respondents at oral argument is hereby granted.
- (4) The request of respondents to allocate to amicus curiae Catholic Healthcare West, Scripps Health and the Regents of the University of California 10 minutes of respondents' 30-minute allotted time for oral argument is granted.

S121173

F041148 Fifth Appellate District

FOX v. ETHICON ENDO-SURGICAL INC.
Orders filed (2)

- (1) The request of counsel for appellant to allow two counsel to argue on behalf of appellant at oral argument is granted.
- (2) The request of appellant to allocate to amicus curiae Consumer Attorneys of California 10 minutes of appellant's 30-minute allotted time for oral argument is granted.

S129896D042645 Fourth Appellate District,
Division OnePEOPLE v. CALHOUN
Order filed

The order filed on January 27, 2005, extending time for granting or denying review in the above-entitled matter to and including March 9, 2005, or the date upon which review is either granted or denied, is amended as to the Court of Appeal and division number.

S130674HUNTER ON REINSTATEMENT
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **CHARLES CLINTON HUNTER** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S130679SHERMAN ON REINSTATEMENT
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **STUART M. SHERMAN** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S129164JACOBS ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ROBIN REBECCA JACOBS, State Bar No. 167089**, be suspended from the practice of law for two years and until she provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for three years subject to the conditions of

probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 22, 2004. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S129166

MORRISSEY ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ERIN MORRISSEY, State Bar No. 158015**, be suspended from the practice of law for three years and until she complies with the requirements of standard 1.4(c)(ii), as set forth more fully below, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for two years as recommended by the Hearing Department of the State Bar Court in its decision filed on August 10, 2004; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California; and until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Erin Morrissey** is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for termination of her actual suspension. It is

further ordered that **Erin Morrissey** take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that **Erin Morrissey** comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129173**JORGENSEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **ALLEN CHRISTOPHER JORGENSEN, State Bar No. 97647**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S129198**FETTERMAN ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DAVID E. FETTERMAN, State Bar No. 189990**, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject

to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 27, 2004, as modified by its order filed October 29, 2004. Costs are awarded to the State Bar and one-fifth of said costs must be added to and become part of the membership fees for the years 2006, 2007, 2008, 2009 and 2010. (Bus. & Prof. Code, § 6086.10.)

S129199

CASSELMAN ON DISCIPLINE
Recommended discipline imposed

It is ordered that **CINDY LYNN CASSELMAN, State Bar No. 95732**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 27, 2004. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S129201

CLARKE ON DISCIPLINE
Recommended discipline imposed

It is ordered that **KEVIN MATTES CLARKE, State Bar No. 140150**, be suspended from the practice of law for 90 days, that execution of the

suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 21, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S129202

DIERICKX ON DISCIPLINE
Recommended discipline imposed

It is ordered that **LUCIEN E. DIERICKX, State Bar No. 181960**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on September 27, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S130828

DOMENICO ON RESIGNATION

The voluntary resignation of **GEOFFREY AUGUST DOMENICO, State Bar No. 59301**, as a member of the State Bar of California is accepted.

S130829**ENGENDORF ON RESIGNATION**

The voluntary resignation of **ANDREW EGENDORF, State Bar No. 69843**, as a member of the State Bar of California is accepted.

S130831**HAMILTON ON RESIGNATION**

The voluntary resignation of **JANET HAMILTON, State Bar No. 55693**, as a member of the State Bar of California is accepted.

S130832**MCCALLUM ON RESIGNATION**

The voluntary resignation of **BARBARA IRVING MCCALLUM, State Bar No. 80389**, as a member of the State Bar of California is accepted.

S130833**MCLENNAN ON RESIGNATION**

The voluntary resignation of **Michael Edward McLennan, State Bar No. 154019**, as a member of the State Bar of California is accepted.

S130834**NELSON ON RESIGNATION**

The voluntary resignation of **Renwick Thomas Nelson, II, State Bar No. 132861**, as a member of the State Bar of California is accepted.

S130835**SMYTH ON RESIGNATION**

The voluntary resignation of **Damian Barry Smyth, State Bar No. 75062**, as a member of the State Bar of California is accepted.

S130836**TODD ON RESIGNATION**

The voluntary resignation of **Leo James Todd, Jr., State Bar No. 22642**, as a member of the State Bar of California is accepted.